IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

LA.App..No. 1248 of 2002()

LAR.34/1997 of SUB COURT, CHERTHALA
.....

APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANTS:
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1. N.J.JACOB, NEYYARAPALLI,
CHERTHALA NORTH, REP. BY POWER OF ATTORNEY HOLDER,
ABRAHAM, NEYYARAPPALLI.

*2. OUSEPH JOSEPH, EDATHRAKKARI,
THANNEERMUKKOM VADAKKU, CHERTHALA.

3. ANTONY, -DO- -DO-.

4. SUPRABHA, W/O. VELAYUDHAN,
PATTAMADAPPALLIL, VELORVATTOM CMC 1,
CHERTHALA NORTH VILLAGE.

5. SHEEJAMMA, PATTAMADAPPALLIL,
VELORVATTOM CMC I, CHERTHALA NORTH VILLAGE.

6. PRAVEEN, -DO- -DO-.

7. SAJEEVAN, PATTAMADAPPALLIL,
VELORVATTOM CMC I, CHERTHALA NORTH VILLAGE.

8. BIJU, PATTAMADAPPALLIL, -DO-.

9. BYJU, PATTAMADAPPALLIL,
VELORVATTOM CMC I, CHERTHALA NORTH VILLAGE.

10. JOSEPH CHEMPADASSERIL,
KANNAMKARA, THANNEERMUKKOM SOUTH.

11. MATHAI, CHEMPADASSERIL,
KANNAMKARA, THANNEERMUKKOM SOUTH.

12. KURIAKOSE,
IDATHARAKARIYIL, THANNEERMUKKOM NORTH.

13. CHACKOCHAN, IDATHARAKARIYIL,
THANNEERMUKKOM NORTH.

14. JOSEPH MATHAN, MALIKAYIL,
KARIKKATTU P.O., THANNEERMUKKOM.

15. MATHEW, MALIKAYIL,
KARIKKATTU P.O., THANNEERMUKKOM.

16. DAMOCHAN, MALIKAYIL,
KARIKKATTU P.O., THANNEERMUKKOM.

17. MARYKUTY JOSEPH,
IDATHARAKARIYIL, THANNEERMUKKOM NORTH.

18. FRANCIS JOSEPH, -DO-.

19. A.J.ZACHARIAS,
IDATHARAKARIYIL, THANNEERMUKKOM NORTH.

20. KOCHUMARIYAMMA THOMAS, -DO-.

21. TOM JOSEPH,
IDATHARAKARIYIL, THANNEERMUKKOM NORTH.

RESPONDENTS 2 TO 21 ARE STRUCK OFF FROM THE PARTY ARRAY AT THE RISK OF THE PETITIONER VIDE ORDER IN I.A.73/05 DT. 17/1/05

BY ADV. SRI.SAIGI JACOB PALATTY
SMT.BEENA SUZANNE THOMAS

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 23/07/2007, ALONG WITH LAA NO.1180 OF 2003 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.NO.5151/2002 IN L.A.A.NO.1248 /2002

DISMISSED.

23-7-2007 SD/- KURIAN JOSEPH, JUDGE

SD/- T.R.RAMACHANDRAN NAIR, JUDGE

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

L.A.A.Nos. 1248 of 2002 and
1180 of 2003

Dated this the 23rd day of July, 2007

JUDGMENT

Kurian Joseph,J.

These are appeals filed against the judgment and decree in L.A.R.No.34/1997 on the file of the Sub Court, Cherthala, the former by the State and the latter by the claimant. The Reference Court has relied on Ext.A1 judgment in L.A.R.No.91/1989. Learned Government Pleader submits that there is no appeal against the said judgment and that has become final. As far as the claim of the appellant-claimant is concerned, it is seen that there is no evidence before the Reference Court other than Ext.A1. Even according to the appellant before the Reference Court, he requested for fixation of market value at the rate granted in Ext.A1 and that has been granted also. Therefore, there is no merit in both the appeals. They are dismissed.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.

KURIAN JOSEPH &
T.R.RAMACHANDRAN NAIR,JJ.

L.A.A.Nos. 1248 of 2002 and
1180 of 2003

JUDGMENT

23rd July, 2007